



U.S. Department of Justice

Office of the United States Trustee

Region 16

July 15, 2002

Please find enclosed a copy of the Bankruptcy Petition Preparer Guidelines recently issued by the Office of The United States Trustee. They are effective September 3, 2002. Until the effective date, our office will continue to enforce all relevant provisions of law as detailed in these Guidelines, but there is no need to attach a signed copy of these guidelines to any document filed in the court.

These Guidelines are intended to provide clear guidance to both debtors and bankruptcy petition preparers of what non-attorney bankruptcy petition preparers in this district are allowed to do.

If a bankruptcy petition preparer has been previously enjoined from preparing bankruptcy documents, these Guidelines do nothing to change the terms of any court order. All previous final court rulings are, of course, still in force and not changed by these Guidelines.

The United States Trustee will hold four informational sessions this fall to answer questions about these Guidelines and detail how a bankruptcy petition preparer can comply with 11 U.S.C. § 110 and applicable state law. These sessions will be educational for all bankruptcy petition preparers for how to avoid violating federal and state law in connection with bankruptcy document preparation. These sessions will not provide training on any bankruptcy law other than compliance with 11 U.S.C. § 110. They will not teach anyone how to complete bankruptcy petitions or schedules. They are also not intended for individuals contemplating the filing of a bankruptcy.

The sessions will be held in the 341(a) meeting rooms throughout the district as follows:

Wednesday, September 25, 2002 - 10:30 am

411 West Fourth Street, Room 1154,

Santa Ana, CA

Monday, September 30, 2002 - 10:00 a.m.

21051 Warner Center Lane,

Woodland Hills, CA

Tuesday, October 8, 2002 - 10:30 am

3420 12th Street, Room 100,

Riverside, CA

Tuesday, October 22, 2002 - 12:00 noon

725 South Figueroa Street, Room 101,

Los Angeles, CA

Maureen A. Tighe
United States Trustee, Region 16



U.S. Department of Justice

Office of the United States Trustee

The Central District of California

Issued July 15, 2002

**UNITED STATES TRUSTEE
CENTRAL DISTRICT OF CALIFORNIA**

BANKRUPTCY PETITION PREPARER GUIDELINES

In accordance with its obligation to monitor compliance with 11 U.S.C. § 110, the United States Trustee for the Central District of California is providing the following guidelines for non-attorneys who prepare documents for filing in the United States Bankruptcy Court. Failure to comply with the following guidelines will result in enforcement actions by the Office of the United States Trustee.

1. A bankruptcy petition preparer may only type forms, and assist with the physical filing of petitions with the Court. When a bankruptcy petition preparer provides services that go beyond the above, those services can constitute the unlawful "practice of law."
2. The bankruptcy petition preparer is not an attorney and is not authorized to practice law. As defined by statute and case law, the activities that constitute the practice of law in the bankruptcy court include, but are not limited to, the following:
 - A. Determining when to file bankruptcy;
 - B. Explaining the difference between chapters or determining under which chapter of the Bankruptcy Code to file a voluntary petition;
 - C. Explaining information necessary to complete the bankruptcy petition;
 - D. Advising debtors regarding the claiming of exemptions;
 - E. Explaining or determining which debts are priority, secured, or unsecured;
 - F. Suggesting or determining where items belong on the petition, based on information provided by a debtor;
 - G. Preparing any pleadings other than filling out official forms promulgated by the United States Supreme Court or by the United States Bankruptcy Court of the Central District of California;
 - H. Explaining or discussing the impact that a bankruptcy

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- I. filing may have on an eviction or foreclosure proceeding; Explaining or discussing the impact that a bankruptcy filing may have on the dischargeability of debts, including outstanding student loans or taxes;
 - J. Explaining, discussing, or assisting a debtor with a reaffirmation agreement;
 - K. Assisting or appearing with the debtor or on a debtor's behalf at the § 341(a) Meeting of Creditors;
 - L. Discussing or assisting a debtor with determining whether a certain debt should be reaffirmed or redeemed; and
 - M. Providing advice or guidance to a debtor regarding the actions that may or may not be taken by a creditor, United States Bankruptcy Trustee, United States Bankruptcy Court, United States Bankruptcy Judge, or another third party.
- 3. Translating documents may not necessarily be considered the practice of law. However, translation services provided to a debtor should not include services listed in paragraph 2 above.
- 4. The charge typically allowed in this district for a bankruptcy petition preparer's services is no more than \$200, including but not limited to any and all expenses such as photocopying, messenger or courier charges, costs of credit reports, postage and telephone charges. The United States Trustee may object to any fee above this amount. A lower fee ceiling may apply to an incomplete bankruptcy filing or any document where only limited typing is necessary. This fee does not include the filing fee, which the debtor must pay directly to the clerk of the bankruptcy court. All filing fees shall be made payable to the "United States Bankruptcy Court," and the petition preparer must disclose the amount of those filing fees to the debtor when the preparer informs the debtor of the cost of his or her services.
- 5. A petition preparer has an ongoing responsibility to disclose to the court any fees received or compensation agreement not previously disclosed to the court. Within ten (10) days of receiving additional compensation or entering into an agreement with a debtor(s) for additional compensation, the petition preparer shall disclose all additional fees or compensation arrangements to the court.
- 6. Before typing any document whatsoever and before accepting any money from the debtor(s), the bankruptcy petition preparer must provide a copy of these Guidelines to the debtor(s), which must be signed by the debtor(s) and the bankruptcy

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petition preparer as provided below and attached to any petition, pleading or other document filed with the court. The original signed copy of the Guidelines must be mailed to the United States Trustee along with the first document in each case prepared by the bankruptcy petition preparer. If a bankruptcy petition preparer communicates with a debtor primarily in a language other than English, the petition preparer shall provide a copy of these Guidelines to the debtor(s) in that language.

7. Upon motion of a debtor, a creditor, or any party in interest, including the United States Trustee, or on the court's own motion, the fees of a bankruptcy petition preparer may be reduced at the discretion of the Court. ALL FEES MAY BE REIMBURSED TO THE DEBTOR WHERE THE BANKRUPTCY PETITION PREPARER HAS ACTED INCOMPETENTLY, ILLEGALLY, HAS ENGAGED IN THE UNAUTHORIZED PRACTICE OF LAW, OR HAS FAILED TO COMPLY WITH THESE GUIDELINES. Anyone who believes a bankruptcy petition preparer has violated 11 U.S.C. § 110 should advise the United States Trustee in writing of the violation.
8. These guidelines are effective September 3, 2002.

Name of Debtor: _____

Case number: _____

I declare under penalty of perjury that I have provided a copy of these guidelines to the debtor(s) in this case.

X _____
Signature of Bankruptcy Petition Preparer

I declare under penalty of perjury that the above listed non-attorney bankruptcy petition preparer has provided me with a copy of these guidelines.

x _____
Signature of Debtor